

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THE APPLE IPOD ITUNES ANTI-TRUST  
LITIGATION

) Lead Case No. C-05-00037-JW(RS)

)

) CLASS ACTION

)

This Document Relates To:

)

)

ALL ACTIONS.

)

)

)

[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION TO MODIFY  
INJUNCTIVE RELIEF CLASS DEFINITION  
TO INCLUDE iTMS PURCHASERS

1 This matter came before the undersigned Honorable James Ware of the above-entitled Court  
2 upon Plaintiffs' motion to modify the injunctive relief class. The Court having considered the  
3 motion and all other papers filed concerning that motion, and all other pertinent documents and  
4 pleadings filed in this action,

5 NOW, therefore, it is hereby ORDERED and ADJUDGED:

6 Plaintiffs' motion to modify the injunctive relief class is hereby granted and the injunctive  
7 relief class is modified as follows:

8 All persons or entities in the United States (excluding federal, state and local  
9 governmental entities, Apple, its directors, officers and members of their families)  
10 who: (a) purchased an iPod from Apple or (b) purchased audio or video files from  
11 the iTunes since April 28, 2003.

12 IT IS SO ORDERED.

13 DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE

14 Submitted by:

15 COUGHLIN STOIA GELLER  
16 RUDMAN & ROBBINS LLP  
17 JOHN J. STOIA, JR.  
18 BONNY E. SWEENEY  
19 THOMAS R. MERRICK  
20 655 West Broadway, Suite 1900  
21 San Diego, CA 92101  
22 Telephone: 619/231-1058  
23 619/231-7423 (fax)

24 THE KATRIEL LAW FIRM  
25 ROY A. KATRIEL  
26 1101 30th Street, N.W., Suite 500  
27 Washington, DC 20007  
28 Telephone: 202/625-4342  
202/330-5593 (fax)

Co-Lead Counsel for Plaintiffs

23 BONNETT, FAIRBOURN, FRIEDMAN  
24 & BALINT, P.C.  
25 ANDREW S. FRIEDMAN  
26 FRANCIS J. BALINT, JR.  
27 ELAINE A. RYAN  
28 TODD D. CARPENTER  
2901 N. Central Avenue, Suite 1000  
Phoenix, AZ 85012  
Telephone: 602/274-1100  
602/274-1199 (fax)

1 BRAUN LAW GROUP, P.C.  
2 MICHAEL D. BRAUN  
12304 Santa Monica Blvd., Suite 109  
3 Los Angeles, CA 90025  
Telephone: 310/442-7755  
4 310/442-7756 (fax)

5 MURRAY, FRANK & SAILER LLP  
BRIAN P. MURRAY  
6 JACQUELINE SAILER  
275 Madison Avenue, Suite 801  
7 New York, NY 10016  
Telephone: 212/682-1818  
8 212/682-1892 (fax)

9 GLANCY BINKOW & GOLDBERG LLP  
MICHAEL GOLDBERG  
10 1801 Avenue of the Stars, Suite 311  
Los Angeles, CA 90067  
11 Telephone: 310/201-9150  
310/201-9160 (fax)

12 Additional Counsel for Plaintiffs

13  
14 S:\CasesSD\Apple Tying\ORD00061405.doc

## Mailing Information for a Case 5:05-cv-00037-JW

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Francis Joseph Balint , Jr**  
fbalint@bffb.com
- **Michael D Braun**  
service@braunlawgroup.com
- **Michael D. Braun**  
service@braunlawgroup.com
- **Andrew S. Friedman**  
rcreech@bffb.com,afriedman@bffb.com
- **Alreen Haeggquist**  
alreenh@zhlaw.com,judyj@zhlaw.com
- **Roy A. Katriel**  
rak@katriellaw.com,rk618@aol.com
- **Thomas J. Kennedy**  
tkennedy@murrayfrank.com
- **David Craig Kiernan**  
dkiernan@jonesday.com,lwong@jonesday.com,valdajani@jonesday.com
- **Thomas Robert Merrick**  
tmerrick@csgrr.com
- **Caroline Nason Mitchell**  
cnmitchell@jonesday.com,mlandsborough@jonesday.com,ewallace@jonesday.com
- **Robert Allan Mittelstaedt**  
ramittelstaedt@jonesday.com,ybennett@jonesday.com
- **Brian P Murray**  
bmurray@murrayfrank.com
- **Jacqueline Sailer**  
jsailer@murrayfrank.com
- **Adam Richard Sand , Esq**  
invalidaddress@invalidaddress.com
- **Michael Tedder Scott**

michaelscott@jonesday.com,gwayte@jonesday.com

- **Craig Ellsworth Stewart**  
cestewart@jonesday.com,mlandsborough@jonesday.com
- **John J. Stoia , Jr**  
jstoia@csgrr.com
- **Tracy Strong**  
invalidaddress@invalidaddress.com
- **Bonny E. Sweeney**  
bonnys@csgrr.com,E\_file\_sd@csgrr.com,christinas@csgrr.com
- **Helen I. Zeldes**  
helenz@zhlaw.com

## Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

### **Todd David Carpenter**

Bonnett, Fairbourn, Friedman, & Balint  
2901 N. Central Avenue  
Suite 1000  
Phoenix, AZ 85012

### **Elaine A. Ryan**

Bonnett Fairbourn Friedman & Balint, P.C  
2901 N. Central Avenue  
Suite 1000  
Phoenix, AZ 85012